

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, and 20 are pending in the present application, of which claims 2 and 20 are independent.

Approval of Drawings Requested

Drawings were submitted on January 26, 2006. To date, no official indication of approval of the drawings has been noted in the prosecution history. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 2, 4, 6, 8, 10, 12, 14, 16-18, and 20 are rejected under 35 U.S.C. § 102 (b) as anticipated by or, in the alternative, under §103(a) as obvious over Maveddat et al. (US 6,129,604).

INDEPENDENT CLAIM 2

As an example, independent claim 2 recites (among other things) a feature(s) of "reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the first cell before the channel utilization rate of the first cell reaches the implementation level (emphasis added) according to the predicted time". As will be explained below, at least this feature(s) of claim 2

is a distinction over Maveddat et al.

In page 3 of the Office Action, Examiner finds that “predicting time stamp that load level becomes high or overload” corresponds to “predicting time required for the channel utilization rate of a first cell of the cells to reach an implementation level” by referring to col. 7, lines 62-66 of Maveddat et al.

However, Maveddat et al. does not disclose “reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the cell before the channel utilization rate of the first cell reaches the implementation level (emphasis added) according to the predicted time” because Maveddat et al. only performs switching after the time stamp is exceeded (see, for example, col. 7, lines 65-66 of Maveddat et al. describing that “[w]hen the time stamp is exceeded, switching operations are performed”).

Hence, the noted feature(s) of claim 2, namely “reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the cell before the channel utilization rate of the first cell reaches the implementation level (emphasis added) according to the predicted time” is a distinction over Maveddat et al.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in claim 2. In view of the distinction of claim 2 noted above, at least one claimed element is not present in Maveddat et al. Hence, Maveddat et al. does not anticipate claim 2. Claims 4, 6, 8, 10, 12, 14, 16, 17, and 18 ultimately depend from claim 2, respectively, and so at least distinguish over Maveddat et al. Hence, Maveddat et al. also does not anticipate claims 4, 6, 8, 10, 12, 14, 16, 17, and 18.

Further, the Office Action states that claim 2 is rejected, in the alternative, under 35 USC 103 (a) as obvious over Maveddat et al.

However, such a rejection is improper because the Office Action has failed to propose a modification of Maveddat et al. in order to explain as to why claim 2 would have been obvious to one of ordinary skill in the art at the time the invention was made (see MPEP 706.02 (j)).

In view of the foregoing discussion, the rejection of claim 2 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

INDEPENDENT CLAIM 20

Claim 20 incorporates features that correspond to those of claim 2 discussed above, and is, therefore, patentable over the cited references for at least the same reasons.

In view of the foregoing discussion, the rejection of claims 2, 4, 6, 8, 10, 12, 14, 16, 17, 18, and 20 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-1290.

Respectfully submitted,

Dated: February 1, 2010

By /Dexter T. Chang/

Dexter T. Chang

Registration No.: 44,071

Phone: (212) 940-6384

PTO Customer No.: 026304